

## REMARKS

Claims 1, 5, 7, 9 - 10, 17 - 18, 20, 22, and 24 have been amended to clarify the subject matter which Applicants regard as their invention. No new matter is introduced with these amendments, all of which are supported in the specification as originally filed. Claims 1 - 5, 7, 9 - 12, 14 - 20, 22 - 24, and 26 remain in the application.

### I. Rejection under 35 U. S. C. §112, First Paragraph

Paragraph 2 on p. 2 of the Office Action dated October 6, 2006 (hereinafter, "the Office Action") states that Claims 1 - 5, 7, 9 - 12, 14 - 20, and 22 - 23 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The independent claims have been amended herein, and Applicants respectfully submit that the claims, as amended, address the Examiner's concerns with §112, First Paragraph. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

### II. Rejection under 35 U. S. C. §103(a)

Paragraph 2 on p. 3 of the Office Action state that Claims 1 - 5, 7, 9 - 12, 14 - 20, 22 - 24, and 26 (which comprise all claims currently presented in the application) are rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson et al. (U.S. 5,325,310) and further in view of Boulton et al. (U. S. 5,537,618). This rejection is respectfully traversed.

The Office Action admits (on p. 3, lines 13 - 16) that Johnson does not teach all limitations of Applicants' independent Claims 1, 18, and 22. With regard to Applicants' other

independent Claims 7, 20, and 24, the Office Action cites teachings from Boulton (see Office Action, p. 5, lines 3 - 13). Differences between the references and Applicants' claims will now be discussed.

Referring first to independent Claim 1, this claim specifies that the message "will automatically be rendered to the recipient" (Claim 1, lines 6 - 7) and that "the recipient will be prevented from performing other actions with the application [that renders the message] until the recipient provides a response to the message, within a time period of the time-sensitivity" (Claim 1, lines 7 - 9, emphasis added). The Office Action admits that Johnson does not teach the time-sensitivity aspects, as noted above. Lines 17 - 24 on p. 3 of the Office Action then state that such features would have been an "obvious modification" of Johnson's teachings, "as evidenced by Boulton". In particular, Boulton's Abstract and col. 17, lines 46 - 50 and lines 57 - 61 are cited. Applicants respectfully disagree with the characterization of the cited text, as will now be discussed.

Boulton's Abstract provides information about generating feedback records, and Applicants do not find recitations therein that pertain to the particular limitations of their claim language.

The cited text from col. 17, lines 46 - 50 and lines 57 - 61 of Boulton pertains to actions taken by a message creator. More particularly, the cited text in lines 57 - 61 states that the user (i.e., the user who is creating the feedback message) can indicate that he or she is "stopped" in his

or her learning flow by selecting message segment **110**, and **Fig. 5b** shows that reference number **110** is associated with a “stop sign” icon.

However, Boulton has no discussion, or any suggestion, that enabling a message creator to mark a message in this manner does anything to control the timing with which the message is rendered to its recipient and/or to control what the recipient can continue to do in the rendering application. In other words, Boulton does not teach, or suggest, that this segment **110** message:

- “will automatically be rendered to the recipient [Claim 1, lines 6 - 7]... within a time period of the time-sensitivity [Claim 1, line 9]” or that
- “the recipient will be prevented from performing other actions with the application [that renders the message] until the recipient provides a response to the message, within a time period of the time-sensitivity” (Claim 1, lines 7 - 9, emphasis added).

Instead, Boulton explicitly states, in several places, that the recipient is allowed to select (i.e., at his or her option) which messages he or she views. See, for example,

- col. 10, lines 46 - 53, stating that the viewing interface “sorts and displays the feedback data into the specific categories, patterns, and modes which the reviewer has specified to be displayed ...” (emphasis added);
- col. 10, lines 53 - 56 state that the reviewer “can also respond to feedback items ...”, but there is no suggestion that the reviewer must do this within any particular time period;
- col. 28, lines 37 - 38 state “Time window **222** displays the preferred time period

over which the reviewer wishes to examine feedback.” (emphasis added) and lines 38 - 40 state that the reviewer can change the time parameter fields **223** “to specify a time span” – that is, the message recipient controls which messages are rendered in the viewing application;

- col. 28, lines 50 - 55 state, with reference to **Fig. 16**, “Attribute window **224** presents graphical representations of the combined set of feedback that the reviewer has selected in the viewing interface. The attribute window also allows a reviewer to select particular attributes which he or she would like feedback records in the combined set to include.” (emphasis added);
- col. 28, line 62 - col. 29, line 4 explain that the reviewer can “toggle” a button in the viewing interface to indicate whether feedback records having that attribute segment (such as the “stop sign” attribute **110**) should be added or subtracted from the combined set of feedback records;
- col. 29, lines 56 - 61 state “Windows **218**, **220**, **222**, and **224** can all be considered ‘filters’, since they provide options for the receiver to limit the number of feedback items in the combined set to his or her particular choices. A number of feedback records are then filtered out so that the reviewer can view only those feedback records relevant to his or her needs [i.e., according to his or her “particular choices”]” (emphasis added);
- col. 38, lines 17 - 26, explaining how a reviewer can deselect attribute segments because he “might only wish” to see feedback records associated with the stop sign attribute **110** (i.e., the “I’m stopped” attribute).

Allowing a message recipient to determine whether he wishes to see messages having particular attributes, as taught by Boulton in the above-cited text, is distinct from Applicants' claimed technique of automatically rendering time-sensitive messages (Claim 1, lines 6 - 7) and preventing the recipient from performing other actions until the recipient provides a response (Claim 1, lines 8 - 9).

A *prima facie* case of obviousness requires, *inter alia*, that the combination of references must teach all the claim limitations. See MPEP 706.02(j), §2142, and §2143. As demonstrated above, neither Johnson nor Boulton, nor a combination thereof, teaches all limitations of Applicants' independent Claim 1. Independent Claims 18 and 22 specify analogous limitations. Accordingly, Applicants respectfully submit that the Office Action fails to make out a *prima facie* case of obviousness as to independent Claims 1, 18, and 22. Without more, these claims are deemed patentable over the references. See *In re Oetiker*, 24 USPQ 2d 1443, 1444 (Fed. Cir. 1992), which stated:

If the examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of the patent.

Referring next to independent Claim 7, this claim is analyzed on p. 5, lines 3 - 13 of the Office Action, as noted above. Lines 46 - 50 and lines 57 - 61 of Boulton are cited therein as teaching the "receiving", "determining", and "requiring" steps of Claim 7. However, as explained above with regard to independent Claim 1, this text from Boulton pertains to actions of a message creator. Applicants have amended Claim 7, herein, to more clearly indicate that these steps are

performed at the computing device of the message recipient. In addition, as also demonstrated above with regard to independent Claim 1, Boulton's recipient may choose to view whatever messages he or she wishes; nothing is stated, or suggested, in Boulton that the "I'm stopped" status of the message creator imposes any type of actual urgency on the part of the message recipient.

With regard to the "forcing" limitation analyzed by the Office Action, Applicants note that this claim language has been reworded herein. However, the cited text from col. 6, lines 42 - 46 of Johnson does not teach, or suggest, that the recipient is required to respond "within the time period of the time-sensitivity", in contrast to the claim language on lines 13 and 15 of Applicants' Claim 7. (Instead, the cited text appears to indicate that a response message may be formatted as a new message, or as a revised version of the request message to which it responds; this is not pertinent to Applicants' claim language.) Refer, also, to Applicants' previously-submitted Preliminary Amendment dated August 22, 2005, p. 13, line 9 - p. 14, line 8, which explain that Johnson's user is required to respond "before exiting" a message, but that there is no teaching or suggestion in Johnson that the rendering, or the exiting, of the message would be related to a time-sensitivity period, in contrast to Applicants' claim language.

In view of the above, Applicants respectfully submit that neither Johnson nor Boulton, nor a combination thereof, teaches all limitations of Applicants' independent Claim 7. Independent Claims 20 and 24 specify similar limitations. Accordingly, Applicants respectfully submit that the Office Action fails to make out a *prima facie* case of obviousness as to independent Claims 7, 20,

and 24. Without more, these claims are deemed patentable over the references.

Applicants dependent Claims 2 - 5, 9 - 12, 14 - 17, 19, 23, and 26 are deemed patentable by virtue of (*inter alia*) the patentability of the independent claims from which they depend.

Accordingly, the Examiner is respectfully requested to withdraw the §103 rejection.

### III. Conclusion

Applicants respectfully request reconsideration of the pending rejected claims, withdrawal of all presently outstanding rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,

/Marcia L. Doubet/ /#40,999/

Marcia L. Doubet  
Attorney for Applicants  
Reg. No. 40,999

Customer Number for Correspondence: 43168

Phone: 407-343-7586

Fax: 407-343-7587